

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HUNT CONSTRUCTION GROUP, INC.,	§	
an Indiana corporation,	§	
	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. 1:17-cv-00215-LY
	§	
COBB MECHANICAL CONTRACTORS,	§	
INC.,	§	
a Colorado corporation	§	
	§	
Defendant,	§	
and	§	
	§	
LIBERTY MUTUAL INSURANCE	§	
COMPANY,	§	
a Massachusetts corporation	§	
	§	
Defendant / Counter-Claimant.	§	

ADVISORY TO THE COURT BY LIBERTY

Liberty Mutual Insurance Company (“Liberty”) filed the 26(f) conference report after the parties conferred by a series of emails. Liberty wanted to confer orally, and requested on numerous occasions that the parties agree to confer orally. Cobb Mechanical Contractors (“Cobb”), however, said that it will not confer orally because of its preference for arbitration. Hunt Construction Group, Inc. (“Hunt”) understandably said it will not confer orally unless all parties are present for the conference. Accordingly, Liberty created a 26(f) conference in an email thread between all parties, and received feedback and input from Hunt, which is included in the 26(f) report.

The dates in the order proposed by Liberty were generally earlier than the dates proposed by Hunt. In communications with Cobb, Cobb indicated that the later dates proposed by Hunt were more acceptable, and, accordingly, in general, Liberty utilized the later dates, as indicated as a preference by Hunt and concurred in by Cobb. There are a few areas, such as the disclosures and

commencement of discovery, where the parties are not in agreement. In particular, Liberty wants discovery (including disclosures as required by the Federal Rules) to move forward now. Hunt and Cobb do not concur. Accordingly, Liberty anticipates Hunt and/or Cobb may file a Rule 26(c) motion to stay discovery. Liberty understands Cobb may reserve its rights and request a ruling from the Court on a motion moving forward. Liberty also understands that Hunt has a preference for an oral Rule 26(f) conference.

Liberty is willing to confer orally, or in any way the Court instructs. Liberty also requested a Rule 16 conference to discuss these issues, which was denied by Magistrate Judge Austin (dkt. 31, pg. 3, fn 1). Liberty then called the clerk of Judge Yeakel, who directed Liberty to proceed with filing a proposed scheduling order. Accordingly, that is what Liberty has done.

The case was filed on March 7, 2017. Liberty respectfully requests that the Court enter the proposed scheduling order, as modified if the Court deems it appropriate, and Liberty requests a Rule 16 conference at such time as the Court deems that appropriate. Alternatively, Liberty requests the Court order the parties orally confer by a date certain. Liberty needs the initial disclosures and discovery to commence so that the case can proceed per Rule 1 in a just, speedy, and efficient fashion.

Respectfully submitted,

LANGLEY LLP

By: /s/ Keith A. Langley

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**ATTORNEYS FOR LIBERTY MUTUAL
INSURANCE COMPANY**

CERTIFICATE OF CONFERENCE

I certify that on May 26, 2017; June 2, 2017; June 6, 2017; June 7, 2017; June 8, 2017; June 12, 2017; June 13, 2017; June 16, 2017; June 20, 2017; and June 23, 2017, I conferred with counsel for Cobb and Hunt regarding the Rule 26(f) conference, and counsel for Cobb stated that it is opposed.

/s/ Keith A. Langley

Keith A. Langley

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing is to be delivered to the following parties in accordance with the Federal Rules of Civil Procedure on the 23rd day of June, 2017.

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/s/ Keith A. Langley

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